

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 98-049-C - ORDER NO. 98-323

MAY 6, 1998

IN RE: Application of HTC Communications, Inc. for)	ORDER APPROVING
a Certificate of Public Convenience and)	CERTIFICATE TO
Necessity to Provide Local Exchange Service)	PROVIDE LOCAL
to Customers in Horry County and those)	EXCHANGE SERVICE
portions of Georgetown County known as the)	
Waccamaw Neck and the City of)	
Georgetown.)	

This matter comes before the Public Service Commission of South Carolina ("the Commission") on the Application of HTC Communications, Inc. ("HTC Communications" or "the Company") for a Certificate of Public Convenience and Necessity to provide local exchange and exchange access services to customers in Horry County and those portions of Georgetown County known as the Waccamaw Neck and the City of Georgetown. The Application was filed pursuant to S.C. Code Ann. Section 58-9-280 (Supp. 1997) and the Regulations of the Commission.

HTC Communications is incorporated in the State of South Carolina. HTC Communications was originally incorporated as Horry Telephone Long Distance, Inc. in 1991, and its Articles of Incorporation were amended in 1997 to reflect the new name. HTC Communications is a wholly owned subsidiary of Horry Telephone Cooperative, Inc. HTC Communications currently holds a Certificate of Public Convenience and

Necessity to provide long distance telecommunications services within the State of South Carolina. See, Order No. 91-1069 dated November 26, 1991 issued in Docket No. 91-514-C.

By letter dated February 4, 1998, the Commission's Executive Director instructed HTC Communications to publish, one time, a prepared Notice of Filing in newspapers of general circulation in the areas affected by the Application. The purpose of the Notice of Filing was to provide notice of the Application to any interested parties and to advise interested parties of the manner and time in which to file pleadings to participate in the Docket. HTC Communications filed Affidavits of Publication as proof that it had complied with the instructions of the Executive Director. No Petitions to Intervene or letters of protest were received regarding the Application filed by HTC Communications.

A hearing was convened on April 23, 1998, at 10:30 A.M. in the Commission's Hearing Room. The Honorable Guy Butler, Chairman, presided. HTC Communications was represented by M. John Bowen, Jr., Esquire and Margaret M. Fox, Esquire. The Commission Staff was represented by Florence P. Belser, Staff Counsel.

At the beginning of the hearing, HTC Communications introduced an executed Stipulation between HTC Communications and Horry Telephone Cooperative, Inc. ("Horry"). The Stipulation provides as follows:

- (1) Horry does not oppose the granting of a Certificate of Public Convenience and Necessity to HTC Communications if the Commission makes the necessary findings to justify granting the Certificate and if the conditions of the stipulation are met;

- (2) HTC Communications agrees that any Certificate granted by the Commission will authorize HTC Communications to provide service only to customers located in non-rural local exchange company (“LEC”) service areas within the requested service area of South Carolina, except as provided in the Stipulation;
- (3) HTC Communications stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas;
- (4) HTC Communications agrees that it will not provide local service, by its own facilities or otherwise, to any customer located in Horry’s service area, unless and until HTC Communications provides Horry and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, Horry will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, HTC Communications acknowledges that the Commission may suspend the intended date of service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission’s own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause;

- (5) HTC Communications agrees that if, after HTC Communications gives notice that it intends to serve a customer located in Horry's service area, the Commission receives a Petition from Horry to exercise its rights under Federal or State law, or the Commission institutes a proceeding of its own, then HTC Communications will not provide service to any customer located within Horry's service area without prior and further Commission approval;
- (6) HTC Communications acknowledges that any right which it may have or acquire to serve Horry's service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law;
- (7) HTC Communications and Horry agree that all rights under Federal and State law are reserved to Horry, and that this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which Horry may be entitled;
- (8) HTC Communications agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the

Commission, in the support of universally available telephone service at affordable rates.

This Stipulation is consistent with the Commission's decision in Order No. 96-494 (Docket No. 96-073-C). It was signed voluntarily by the parties and was submitted at the hearing in this matter for approval. Therefore, the Commission accepts the Stipulation and hereby approves the Stipulation.

In support of the Application, HTC Communications presented Brent Groom, Treasurer of HTC Communications, to testify. The purpose of Mr. Groome's testimony was to describe the services which HTC Communications proposes to provide, to describe the geographic location which HTC Communications seeks to serve, and to demonstrate that HTC Communications possesses sufficient technical, financial, and managerial resources to provide local exchange telecommunications service within the defined which it seeks to serve.

S.C. Code Ann. § 58-9-280 (Supp. 1997) provides that the Commission may grant a certificate to operate as a telephone utility...to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC. After full consideration of the applicable law, HTC Communications' Application, and the evidence submitted by HTC Communications, the Commission finds and concludes that the Certificate sought by HTC Communications to provide local exchange and exchange access services to customers in Horry County and those portions of Georgetown County known as the Waccamaw Neck and the City of Georgetown should be granted. The Commission's determination is based on

the following criteria as provided in S.C. Code Ann. § 58-9-280 (Supp. 1997) and the evidence submitted in support of the motion which relates to that criteria:

1. The Commission finds that HTC Communications possesses the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. § 58-9-280(B)(1) (Supp. 1997). Regarding HTC Communications' technical and managerial resources to provide the services for which it seeks authority, Mr. Groome's testimony indicated that HTC Communications' officers and managers have extensive experience in the provision of local telecommunications services in South Carolina. HTC Communications is a wholly owned subsidiary of Horry Telephone Cooperative, Inc. Mr. Groome also offered that HTC Communications is a financially sound company which has the financial ability to provide the services for which it seeks authority. Based on the undisputed testimony of Mr. Groome, the Commission finds that HTC Communications possesses the technical, financial, and managerial resources sufficient to provide the services requested.

2. The Commission finds that HTC Communications will provide services which will meet the service standards of the Commission. S.C. Code Ann. § 58-9-280(B) (Supp. 1997). Mr. Groome specifically stated in his testimony that the services provided by HTC Communications would meet the service standards of the Commission. Based on the record before it, the Commission believes, and so finds, that HTC Communications will provide telecommunications services that will meet the service standards of the Commission.

3. The Commission finds that HTC Communications' "provision of service will not adversely impact the availability of affordable local exchange service." S.C. Code Ann. § 58-9-280(B)(3) (Supp. 1997). Witness Groome stated that the certification of HTC Communications will enhance competition in the State of South Carolina by offering additional service options and high service quality to consumers. Mr. Groome also offered that certification of HTC Communications would not adversely impact the availability of affordable local exchange service in South Carolina. Therefore, based on the undisputed evidence of record, the Commission finds that provision of local exchange services by HTC Communications will not adversely impact affordable local exchange service.

4. The Commission finds that HTC Communications will support universally available telephone service at affordable rates. S.C. Code Ann. § 58-9-280(B)(4) (Supp. 1997). HTC Communications agreed in the Stipulation with the Horry Telephone Cooperative, Inc. to participate in the support of universally available telephone service at affordable rates as required by State and Federal laws and as required by the Commission. Additionally, Mr. Groome acknowledged that HTC Communications would participate in the support of universally available telephone service at affordable rates to the extent required by the Commission. Based on the undisputed evidence of record, the Commission finds that HTC Communications will participate in support of universally available telephone service at affordable rates.

5. The Commission finds that the provision of local exchange service by HTC Communications "does not otherwise adversely impact the public interest." S.C. Code Ann.

§ 58-9-280(B)(5) Supp. 1997). Mr. Groome offered testimony that the approval of HTC Communications' application will have a positive impact on the public interest. Mr. Groome stated that approval of HTC Communications to provide local exchange and exchange access services would enhance competition in the State of South Carolina by offering additional service options and high service quality to consumers in South Carolina. Therefore, the Commission finds that approval of HTC Communications' Application to provide local exchange service "does not otherwise adversely impact the public interest." S.C. Code Ann. § 58-9-280(B)(5) (Supp. 1997).

Therefore, based on the findings above, the Commission finds and concludes that HTC Communications should be granted a Certificate of Public Convenience and Necessity to provide local exchange and exchange access services in Horry County and those portions of Georgetown County known as the Waccamaw Neck and the City of Georgetown, subject to the Stipulation with Horry Telephone Cooperative, Inc..

IT IS THEREFORE ORDERED THAT:

1. The Application of HTC Communications to provide competitive intrastate local exchange and exchange access services in the non-rural local exchange service areas of Horry County and those portions of Georgetown County known as the Waccamaw Neck and the City of Georgetown is approved. HTC Communications is hereby authorized to provide competitive local exchange services in these areas in South Carolina. The terms of the Stipulation between HTC Communications and Horry Telephone Cooperative, Inc. are approved, and adopted as a portion of this Order. Any proposal to provide such service to rural service areas is subject to the terms of the Stipulation.

2. HTC Communications shall file, prior to offering local exchange and exchange access services in South Carolina, a final tariff of its service offerings conforming to all matters discussed with the Staff, and comporting with South Carolina law in all matters.

3. HTC Communications shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relation (complaint) matters, engineering operations, and tests and repairs. In addition, HTC Communications shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. HTC Communications shall file with the Commission the names, addresses, and telephone numbers of those representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, HTC Communications shall promptly notify the Commission in writing if the representatives are replaced.

4. HTC Communications is directed to comply with all Commission regulations, unless expressly waived by the Commission.

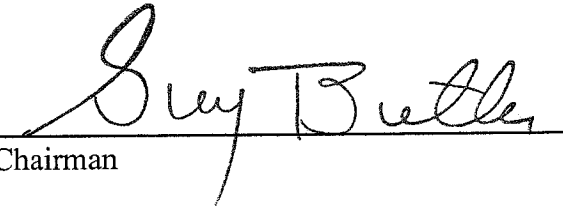
5. HTC Communications shall conduct its business in compliance with Commission decisions and Orders, both past and future, including but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

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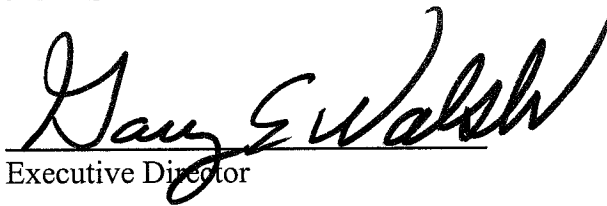
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6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

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ATTACHMENT A

**INFORMATION OF THE AUTHORIZED UTILITY
REPRESENTATIVES FOR INTEREXCHANGE, LOCAL
AND AOS COMPANIES**

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION
REGULATION 103-612.2.4(b), each utility shall file and maintain with the Commission
the name, title, address, and telephone number of the persons who should be contacted in
connection with Customer Relations/Complaints.

Company Name/DBA Name

Business Address

City, State, Zip Code

Authorized Utility Representative (Please Print or Type)

Telephone Number

Fax Number

E-Mail Address

This form was completed by Signature

If you have any questions, contact the Consumer Services Department at 803-737-5230

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